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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,085	05/13/2005	Katrina Schmid	FIS-0022	2016
23413	7590	05/07/2007	EXAMINER	
CANTOR COLBURN, LLP			DANG, HUNG XUAN	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	
			2873	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,085	Applicant(s) SCHMID, KATRINA	
	Examiner Hung X. Dang	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Information Disclosure Statement

1. The prior art documents submitted by applicant in the Information disclosure Statements filed on 5/13/05 has been considered and made of record (noted attached copy of form PTO-1449).

It is noted that the foreign patents have been considered to the best of the ability of the examiner without benefit of translation.

Claims Rejection Under 35 USC - 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Teterina TP** (WO 9700653 in IDS filed on 5/13/05).

Teterina discloses improvement device of visual functions has commutator to control expose of each eye to light flickered at a controlled frequency and uses regulator to set brightness of light comprises prescribing a frequency and exposure time of a strobing or flickering light or pattern to reduce the rate of myopia development for the subject; and treating the subject with a strobing or flickering light or pattern at the prescribed frequency and exposure time.

Claims Rejection Under 35 USC - 102

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Yu Peng** (CN 1260162 in IDS filed on 5/13/05).

Yu Peng discloses optic Biological Frequency Spectrograph comprises prescribing a frequency and exposure time of a strobing or flickering light or pattern to reduce the rate of myopia development for the subject; and treating the subject with a strobing or flickering light or pattern at the prescribed frequency and exposure time.

Claims Rejection Under 35 USC - 102

4. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Titov PA** (RU 2029488 in IDS filed on 5/13/05).

Titov discloses vision stimulation apparatus comprises prescribing a frequency and exposure time of a strobing or flickering light or pattern to reduce the rate of myopia development for the subject; and treating the subject with a strobing or flickering light or pattern at the prescribed frequency and exposure time.

5. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

4/07



HUNG DANG

PRIMARY EXAMINER

TC 2800